



ZONING ADMINISTRATOR
NOTICE OF DECISION

Date: February 27, 2012
Applicant: Fresh and Easy Neighborhood Market
Case No.: PCC-11-059
Address: Rear of the Fresh and Easy Neighborhood Market at the corner of Third Avenue and J Street (APN: APN 573-250-19-00 & 20)
Project Planner: Caroline Young

Notice is hereby given that on February 27, 2012, the Zoning Administrator considered Conditional Use Permit (CUP) application PCC-11-059, filed by Fresh and Easy Neighborhood Market ("Applicant"), at the rear of the Fresh and Easy Neighborhood Market at the corner of Third Avenue and J Street ("Project Site") and is owned by Fresh and Easy Property Co. LLC ("Property Owner"). The Applicant requests a CUP to allow an off-street parking lot for additional parking for the Fresh and Easy Neighborhood Market. The Project Site is zoned One & Two-Family Residential (R2) and has a General Plan designation of Residential Low Medium (RLM). The Project is more specifically described as follows:

The Applicant requests approval of a Conditional Use Permit to allow an off-street parking lot for additional parking for the Fresh and Easy Neighborhood Market beyond what is required by the Urban Core Specific Plan. The Applicant is proposing to add twenty-nine (29) parking spaces with associated landscaping, lighting, and fencing.

The site is located in the One & Two-Family Residential (R2) zone. Pursuant to Section 19.26.040A of the Chula Vista Municipal Code, parking lots are permitted uses upon approval of a Conditional Use Permit.

Planning Staff has reviewed the proposed project for compliance with the California Environmental Quality Act and has determined that the project qualifies for a Class 11 categorical exemption pursuant to Section 15311 (b) of the State CEQA Guidelines. Thus, no further environmental review is necessary.

The Zoning Administrator, under the provisions of Section 19.14.030.A of the Chula Vista Municipal Code has been able to make the conditional use permit findings as required by CVMC Section 19.14.080:

1. **That the proposed use at this location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or community.**

The proposed parking lot will provide a necessary and desirable service by improving customer access to the site by providing additional onsite parking. Employees of the retail stores will also be parking within this area, thereby freeing up the spaces located in the front. Thus, the parking lot will help to contribute to the general well being of the neighborhood and the community.

2. **That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.**

The proposed use will not be detrimental to the health, safety or general welfare of the residents or workers nor to property or improvements in the area. The characteristics of the proposed use of the parking lot and its operation do not have features that could have detrimental effects. The use will be subject to meeting all health, safety and general welfare standards and regulations set forth by the City Of Chula Vista.

3. **That the use will comply with the regulations and conditions specified in the code for such use.**

The granting of this Conditional Use Permit is conditioned to require the Applicant and Property Owner to fulfill its conditions of approval and to comply with all applicable regulations and standards specified in the Municipal Code, and the California Building, Fire and other applicable codes, for such use. These conditions will be enforced through building plan review, inspections prior to occupancy of the use and subsequent operation of the business. Furthermore, the conditions of this permit are approximately in proportion to the nature and extent of the impact created by the project in that the conditions imposed are directly related to, and of a nature and scope related to the size and impact of the project. The project will comply with all regulations and conditions specified in the Zoning Code for uses established under PCC-11-059.

4. **That the granting of the Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any governmental agency.**

The General Plan designates the site as Residential Low Medium. This finding is met because the operation of the Project, as approved by a Conditional Use Permit pursuant to the Chula Vista Municipal Code, is consistent with Residential Low Medium (RLM) permitted land uses. Thus, the proposed project is consistent

with the Residential Low Medium (RLM). General Plan land use designation and will not adversely affect implementation of the General Plan.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit PCC-11-059 as described above subject to the following conditions of approval:

I. Prior to the approval by the City of Chula Vista for the use of the subject property in reliance upon this approval, the Applicant shall satisfy the following requirement:

Planning Division

1. Prior to the approval by the City of Chula Vista for the use the subject property in reliance on this approval, the Applicant/Representative and Property Owner shall execute this document by making a true copy of this letter of conditional approval and signing both this original Notice of Decision and the copy on the lines provided below, said execution indicating that the Applicant/Representative and Property Owner have each read, understood and agreed to the conditions contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document within 30 Days of the effective date herein shall indicate the Applicant/Representative and Property Owner's desire that the project, and corresponding application for building/grading permits and/or business license, be held in abeyance without approval.

Signature of Applicant/Authorized Representative

Date

Signature of Property Owner

Date

2. All exterior lighting shall include shielding to remove any glare from adjacent residents. Details for said lighting shall be included in the architectural plans and shall be reviewed and approved to the satisfaction of the Director of Development Services, prior to the issuance of the building permit.

Fire Department

3. Fire Hydrants shall be located not greater than 300 feet apart. The minimum fire hydrant size shall be: 6" x 4" x 2" ½ x 2 ½".
4. Fire lane/signs will need to be placed around the parking lot.

Land Development Division

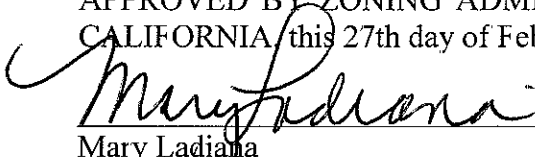
5. Reciprocal easements for access, parking and drainage will be required for each parcel unless parcels are consolidated.
6. A “Covenant and Agreement to Hold Property as One Parcel” is required to address the following issues:
 - a. Cross Drainage
 - b. Access
 - c. Parking

II. The following on-going conditions shall apply to the Project as long as it relies upon this approval.

1. The Applicant shall maintain the Project in accordance with the approved plans for PCC-11-059, date stamped on October 6, 2011, which includes a site plan and floor plan on file in the Planning Division, the conditions contained herein, and Title 19.
2. The proposed parking lot shall be designated at employee parking for all retail tenants in addition to public parking.
3. Approval of this Project shall not waive the Applicant’s responsibility to comply with all sections of Title 19 of the CVMC, and all other applicable City Ordinances in effect at the time of building permit issuance or the approval of this Conditional Use Permit.
4. The Applicant shall execute this Conditional Use Permit as the authorized use only. Any new use or modification/expansion of uses shall be subject to the review and approval of the Zoning Administrator.
5. The Applicant/Representative and Property Owner shall and does hereby agree to indemnify, protect, defend and hold harmless City, its City Council members, officers, employees and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney’s fees (collectively, liabilities) incurred by the City arising, directly or indirectly, from (a) City’s approval and issuance of this Conditional Use Permit, (b) City’s approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein, and Applicant/operator shall acknowledge their agreement to this provision by executing a copy of this Conditional Use Permit where indicated below. The Applicant/Representative and Property Owner’s compliance with this provision is an express condition of this Conditional Use Permit and shall be binding on any and all of Applicant/Operator’s successors and assigns.

6. Any violations of the terms and conditions of this permit may result in the imposition of civil or criminal penalties and/or the revocation or modification of this permit.
7. If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. Applicant or a successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,
CALIFORNIA, this 27th day of February 2012.



Mary Ladiana
Zoning Administrator